

REMARKS

Claims 1-6 and 15-16 are pending in this application. In the last Office Action, the Examiner indicated that claims 1-6 are allowed. Applicants thank the Examiner for allowing those claims. Applicant has added claims 17-25. The Examiner maintained the 35 U.S.C. § 103(a) rejection of claims 15 and 16, indicating that they are unpatentable over Bain et al. (US 5,287,434) in view of Lobiondo (US 5,287,194).

The Examiner asserts that column 15, lines 20-25 and column 17, lines 25-35 in Bain et al. disclose the recovery means of the present invention. Applicants respectfully disagree with the Examiner's assertions. The cited portion of Bain et al. states that

the microprocessor 19 saves all of the jobs on the queues to a file, and further saves the states of the processing jobs so that each job can continue on the same printer if the printer is still attached to the system when the spooler is later restarted.

Bain et al., Col. 15, Lines 20-25. Later, "the microprocessor restores jobs by reading each job from the save file and calling the queue job routine depicted in Figure 3." Col. 17, Lines 27-29. Therefore, according to Baine, the state of the job restarted is the same as the state of the job at the time of the termination of the job.

In contrast, the present invention claims "recovery means for recovering the status of each of the jobs being held in the plurality of queues, at the time of recovery from a failure, if any failure occurred while the jobs are being scheduled by said scheduling means, wherein the status recovered by the recovery means is the status previous to the status at the time of the failure." Bain fails to disclose that the status recovered is the "status previous to the status at the time of the failure." Thus, both

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Bain and Lobiando, either alone or in combination, fail to disclose, teach or suggest this element.

Regarding claim 16, the Examiner alleges that the attribute information of claim 16 is found in "priority" in Bain column 8, line 2. However, the claimed attribute information is different from the priority of a job. Attribute information is defined in page 14, lines 17-25 of the specification to be comprised of, for example, "paper size, a tray number, and the availability of double-sided printing." Thus, Bain fails to disclose this element of Applicants' claimed invention. Therefore, claim 16 is patentable over the cited prior art. For at least the same reasons, newly submitted claims 17-20 are at least patentable due to their dependency on claim 16.

Newly submitted claims 21-25 merely recite further features of the attribute information and are therefore similarly patentable over the cited prior art.

Therefore, Applicants respectfully request that this Amendment under 37 C.F.R. § 1.116 be entered by the Examiner, placing claims 15 and 16 in condition for allowance. Applicants submit that the proposed amendments of claims 15 and 16, and the newly submitted claims 17-25, do not raise new issues or necessitate the undertaking of any additional search of the art by the Examiner, since all of the elements and their relationships claimed were either earlier claimed or inherent in the claims as examined. Therefore, this Amendment should allow for immediate action by the Examiner.

Applicants also submit that the entry of the amendment would place the application in better form for appeal, should the Examiner dispute the patentability of the pending claims.

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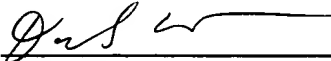
In view of the foregoing remarks, Applicants submit that this claimed invention, as amended, is neither anticipated nor rendered obvious in view of the prior art references cited against this application. Applicants therefore request the entry of this Amendment, the Examiner's reconsideration and reexamination of the application, and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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